

1 BENJAMIN J. FOX (CA SBN 193374)
2 GIANCARLO UREY (CA SBN 267069)
3 MORRISON & FOERSTER LLP
4 555 West Fifth Street
5 Los Angeles, California 90013-1024
6 Telephone: 213.892.5200
7 Facsimile: 213.892.5454
8 BFox@mofo.com
9 GUrey@mofo.com

10 Attorneys for Non-Party
11 VERIZON ONLINE LLC

12 UNITED STATES DISTRICT COURT
13 CENTRAL DISTRICT OF CALIFORNIA

14 INGENUITY LLC,

15 Plaintiff,

16 v.

17 JOHN DOE,

18 Defendant.

No. 2:12-cv-8333-ODW (JCx)

And Related Case Nos.:

2:12-cv-6636-ODW (JCx)

2:12-cv-6669-ODW (JCx)

2:12-cv-6662-ODW (JCx)

2:12-cv-6668-ODW (JCx)

**DECLARATION OF
SEAN MORIARTY FROM
VERIZON ONLINE, LLC
RE: SUBPOENAS IN
AF HOLDINGS LITIGATION**

Date: March 11, 2013

Time: 1:30 p.m.

Court: Hon. Otis D. Wright

1 I, Sean Moriarity, state and declare:

2 1. I am a Manager of IP Legal Compliance for Verizon Online LLC and
3 have served in that capacity since 2008. I have personal knowledge of the facts
4 stated herein, and if called upon to do so, I could testify competently to them.

5 2. My job responsibilities include assisting Verizon in responding to
6 third-party subpoenas issued in civil litigation. During the last two years, a
7 significant portion of my time has been devoted to responding to subpoenas issued
8 by plaintiffs who allege to be owners of sexually explicit films and are seeking the
9 personal identifying information for Verizon's Internet subscribers based on a list
10 of IP Addresses. Other Verizon employees (including in-house counsel and other
11 staff) also have been required to expend significant time and effort in responding to
12 these types of subpoenas and the legal and privacy issues that they raise.

13 3. On or about September 6, 2012, Verizon received subpoenas from
14 plaintiff AF Holdings in *AF Holdings v. John Doe*, C.D. Cal. Case No. 12-cv-6669
15 and *AF Holdings v. John Doe*, C.D. Cal. Case No. 12-cv-6636. True and correct
16 copies of these subpoenas are attached hereto as Exhibit A and Exhibit B.

17 Verizon processed these subpoenas in the ordinary course.

18 4. Based on Verizon's records, it does not appear that Verizon received
19 from AF Holdings or its counsel a copy of the Court's Order Vacating Prior Early
20 Discovery Order and Order to Show Cause dated October 19, 2012, nor does it
21 appear that Verizon received other form of notice that the subpoenas attached as
22 Exhibits A and B had been withdrawn or were invalid. If Verizon had received
23 such notice, we would not have processed these subpoenas for AF Holdings.

24 5. I have reviewed a declaration filed by Brett Gibbs in this litigation,
25 dated February 19, 2013, in which Mr. Gibbs states:

26 Following receipt of the October 19, 2012 Orders, I caused
27 the Court's October 19, 2012 Orders to be served on the
28 registered agents for service of process of Verizon Online

1 LLC to ensure that Verizon Online LLC had notice not to
2 respond to the subpoenas that had already been served.

3 (Gibbs Decl. dated Feb. 19, 2013, at ¶ 21 [Dkt. 50].) Again, based on Verizon's
4 records, this statement appears to be wrong.

5 6. Verizon released the information responsive to AF Holdings'
6 subpoenas in the cases identified above (case nos. 12-cv-6669 and 12-cv-6636) by
7 fax to the Prenda law firm on November 7, 2012. If Verizon had received notice of
8 the Court's Order dated October 19, 2012, we would not have released these
9 records to Plaintiff.

10
11 I declare under penalty of perjury of the laws of the United States that the
12 foregoing is true and correct. Executed on March 11, 2013 in Arlington, Virginia.

13
14
15 By:  _____

16 Sean Moriarty
17
18
19
20
21
22
23
24
25
26
27
28